

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PELEUS INSURANCE COMPANY,

Plaintiff,  
-against-

20 CIVIL 2971 (JPC)

**JUDGMENT**

ATLANTIC STATE DEVELOPMENT CORP.,  
LAURAN WALK, and MICHAEL WINTERS,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 24, 2022, summary judgment is granted for Peleus. The undisputed facts have demonstrated that there is no reasonable possibility of coverage under the Insurance Policy between Atlantic and Peleus. And Atlantic has raised no grounds to bar Peleus from disclaiming coverage. Peleus therefore has no duty to defend or indemnify Atlantic in the New York case, and may withdraw its defense in that case. See Int'l Bus. Machs. Corp., 363 F.3d at 144 ("[A]n insurer may withdraw from an ongoing defense if it becomes clear that the claim is wholly outside the indemnification agreement."); accordingly, the case is closed.

**Dated:** New York, New York

February 24, 2022

**RUBY J. KRAJICK**

BY:

**Clerk of Court**  
*K. Mango*

**Deputy Clerk**